

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
HOTI ENTERPRISES, LP and	:	Lead Case No. 10-24129 (RDD)
HOTI REALTY MANAGEMENT CO., INC.,	:	
	:	
Debtors.	:	
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	:	
HOTI ENTERPRISES, LP and	:	
HOTI REALTY MANAGEMENT CO., INC.,	:	U.S.D.C. Case No. 12-cv-05341-CS
	:	(Second Circuit Appeal No. 13-289)
Appellants,	:	
	:	
- against -	:	
	:	
GEPMC 2007 C-1 BURNETT STREET, LLC,	:	
	:	
Appellee.	:	
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**GEPMC 2007 C-1 BURNETT STREET, LLC'S DESIGNATION
OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON
APPEAL AND COUNTER-STATEMENT OF THE ISSUE ON APPEAL**

GEPMC 2007 C-1 Burnett Street, LLC (the "GEPMC") hereby designates, pursuant to Rule 6(b)(2)(B)(ii) of the Federal Rules of Appellate Procedure and Rule 8006 of the Federal Rules of Bankruptcy Procedure, the following additional items (including any and all exhibits attached thereto and filed therewith) to be included in the record in connection with the appeal to the United States Court of Appeals for the Second Circuit of Hoti Enterprises, L.P. and Hoti Realty Management Co., Inc. (collectively, the "Appellants") from the Opinion and Order, entered on December 27, 2012 [Dkt. No. 16], and submits the following counter-statement of the issue to be presented on appeal:

**I. DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL**

Filings in U.S. District Court Case No. 7:12-cv-05341-CS

Date Filed / Entered	District Court Docket No.	Description
7/11/12	1	Notice of Appeal from the Bankruptcy Court to the S.D.N.Y. from the Order of Judge Robert D. Drain dated May 3, 2012.
7/11/12	2	Designation of Bankruptcy Record on Appeal.
7/11/12	3	Counter Designation of Bankruptcy Record on Appeal.
7/31/12	4	Appellants' Brief.
8/17/12	9	Supplemental Designation of Bankruptcy Record on Appeal.
8/20/12	11	Appellee's Brief.
9/4/12	13	Appellants' Reply Brief.
11/14/12	14	Letter Addressed to Judge Cathy Seibel from George B. South, Dated 11/6/2012.
12/27/12	16	Opinion And Order Affirming Bankruptcy Court Order.
12/28/12	17	Judgment Affirming Bankruptcy Court Order, Terminating Appeal, and Closing Case.

Filings in U.S. Bankruptcy Court Case No. 10-24129 (RDD)

Date Filed / Entered	Bankruptcy Court Docket No.	Description
4/19/11	85	Order Denying Debtors' Motion for Relief from Order.

II. COUNTER-STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL

Whether the United States Bankruptcy Court for the Southern District of New York abused its discretion in denying Appellants' Motion for Relief from Stipulation and Order Governing Debtors' Use of Cash Collateral and Related Matters Pursuant to Bankruptcy Rule 9024.

III. RESERVATION OF RIGHTS

GEPMC expressly reserves its right to amend and/or supplement this designation and counter-statement and to object, or otherwise supplement or move to strike or modify, some or all of the statement of issues and items designated by the Appellants to be included in the record on appeal.

Dated: February 19, 2013
New York, New York

DLA PIPER LLP (US)

/s/ George B. South III
George B. South III
Daniel G. Egan
1251 Avenue of the Americas
New York, New York 10020-1104
Tel: (212) 835-6000
Fax: (212) 835-6001

Counsel for GECMC 2007 C-1 Burnett Street, LLC